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18 Attorneys for Defendant NETFLIX, INC.

19 **UNITED STATES DISTRICT COURT**  
20 **NORTHERN DISTRICT OF CALIFORNIA**  
21 **OAKLAND DIVISION**

22 LAURI VALJAKKA,

23 Plaintiff,

24 v.

25 NETFLIX, INC.,

26 Defendant.

**Case No. 4:22-cv-01490-JST**

**DEFENDANT NETFLIX, INC.'S  
UNOPPOSED MOTION FOR LEAVE TO  
AMEND ITS ANSWER AND  
COUNTERCLAIMS**

Pursuant to Federal Rules of Civil Procedure 15 and 16, Netflix files this unopposed motion for leave to amend its Answer to Plaintiff's Third Amended Complaint, Additional Defenses, and Counterclaims ("Answer"). Netflix's proposed pleading is attached hereto as Exh. A. Netflix recently uncovered new evidence to support an affirmative defense and counterclaim of inequitable conduct, as well as Netflix's previously asserted unclean hands defense, invalidity defenses, and counterclaims. The parties met and conferred on June 14, 2023 regarding the motion, and Plaintiff confirmed he would not oppose the motion on June 16, 2023. Accordingly, Netflix seeks to amend its Answer to plead these claims with additional particularity under Federal Rule of Civil Procedure 9(b).

Netflix has been diligent in both helping the Court set an achievable case schedule and in amending its Answer. Every modification to the scheduling order has either come as the result of a joint stipulation or unopposed agreement. *See, e.g.*, ECF Nos. 46, 59, 95, 96. In the past two weeks, Netflix has taken depositions (including a third-party deposition conducted abroad) that revealed evidence surrounding Mr. Valjakka's intent regarding certain misrepresentations made to the PTO that support these claims and defenses. These recently uncovered facts support a plausible inference that Mr. Valjakka made material misrepresentations to the PTO with the specific intent required to meet the heightened standard for inequitable conduct.

For the reasons set forth above, Netflix moves to amend its Answer to plead a defense and counterclaim of inequitable conduct and supplement its pleading with regard to unclean hands and invalidity.

Dated: June 16, 2023

**PERKINS COIE LLP**

By: /s/ Elise Edlin

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